

C E R T I F I C A T E  
I.P.S. No. 699A

Statement of Source and Authenticity

I, Odo Nagaharu hereby certify that I am officially connected with the Japanese Government in the following capacity: Assistant Chief of Archives Section, Japanese Foreign Office and that as such official I have custody of the document hereto attached consisting of 52 (in English) pages, dated 22 Nov., 1940, and described as follows: memo. No. 248 of Sir Robert Craigie, British Ambassador in Japan to Vice Minister for Foreign Affairs respecting Anglo-Japanese cases in China. I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry

Signed at Tokyo on this \_\_\_\_\_ day of Oct, 1946. /s/ Odo Nagaharu  
 Signature of Official  
 Witness: /s/ T. Sato SEAL  
Assistant, Chief Archives Section  
Official Capacity

Statement of Official Procurement

I, Richard H. Larsh, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this  
 1st day of Oct, 1946 /s/ Richard H. Larsh  
 NAME

Witness: \_\_\_\_\_ Investigator, I.P.S.  
Official Capacity

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The Ministry of Foreign Affairs will understand that the list is not intended to be exhaustive. It will further be observed that in no less than 12 of the cases included in the list, the representations made by His Majesty's Embassy have remained without reply.

The British Ambassador would be grateful for an early examination of all these cases, many of which have been dragging on for more than 2 years.

BRITISH EMBASSY,

TOKYO.

November 22nd, 1940.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAA -GENERAL.

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION</u>	<u>PRESENT SITUATION</u>
<b>1. RAILWAYS.</b>		
(a) <u>Peking Mukden Railway.</u>	October	These various subjects
(1) Non-payment of Shang- hai-Fengchiang Railway mortgage redemption loan	11th, 1937.	have been mentioned in repeated protests from October 1937 onwards.
1913.		Though a general assur- ance was given in a letter from Mr. Ishii on July 20, 1938, that there was no intention of infringing British rights, no satisfactory explan- ation has been given of the breaches of treaty involved in the actions of the Japanese authori- ties and no satisfactory action has been taken to respect the British
(2) Non-payment of debt owing to Metropolitan Carmel Carriage Company. ((1) and (2) being largely due to non-payment by the Japanese military for railway services).		
(3) Construction of a parallel railway to Jehol contrary to international agreement.		
(4) Unification of North China Railways in complete <u>disregard</u>		<u>interests</u>

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disregard of the British  
interests involved and of  
international treaties  
governing them.

interests which have  
been disregarded in  
these different ways  
by Japanese action.

On March 24th, 1939,  
His Majesty's Ambassador  
drew attention to  
reports that the North  
China Railway systems  
were to be taken over  
by a Japanese sponsored  
concern in contravention  
of international agree-  
ments covering the  
constitution of the  
Peking-Mukden Railway  
and requested an  
assurance that no such  
procedure was intended.  
No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

<u>SUBJECT</u>	<u>A - GENERAL</u> <u>FIRST</u> <u>REPRESEN-</u> <u>TATION</u>	<u>PRESENT SITUATION</u>
1. RAILWAYS.		
(b) <u>Shanghai-Nanking and</u> <u>Shanghai-Hangchow-</u> <u>Ningpo Railways.</u> *		
(1) Denial by the Japanese authorities of all facilities to British engineer to survey lines on behalf of British bondholders, and failure to make arrangements for the payment of obligations to bondholders in spite of the fact that both railways are being used by the public and are earning revenue.	January 13th 1937	General Ugaki informed His Majesty's Ambassador (Shanghai) Ambassador on September 20th 8th that the region of (Tokyo) the railways was an important area in the rear of the Hankow operations. In response to further representations by His Majesty's Embassy, the Minister for Foreign Affairs replied on December 8th that no change whatever had occurred which would render a survey possible. The Japanese Government do not share

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share the view of His Majesty's Government that the Japanese Government are partly responsible for damage to the line.

On the 24th March, 1939, His Majesty's Ambassador pointed out that military operations in the region had been concluded, requested permission for an inspection of the lines on behalf of the bondholders, and asked if provision had yet been made for meeting the obligations due to the latter. Further representations regarding the legal ownership

of

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of the Shanghai-Nanking Railways were made to the Ministry of Foreign Affairs on the 10th October, 1939, and a reply was requested on the 2nd March, 1940. No reply.

## SUMMARY OF OUTSTANDING ENGLISH-JAPANESE ISSUES IN CHINA

## A - GENERAL

1. RAILWAYS	FIRST REPORT	PRESENT SITUATION
(b) (2) Unification of Central China Railways.	Report of British Ambassador to Japan on 29th April 1938.	Asks assurance that the Japanese Government will not approve the reported plan for unification in disregard of British interests.
		On 2nd May, and 4th July 1939, His Majesty's Ambassador made further representations, protesting against the creation of the Central China Railway Company to control lines in the Shanghai-Nanking area and requesting speedy action to accord due respect to British rights and interests.

No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAA - GENERAL1. RAILWAYS

	<u>FIRST Represen- tation</u>	<u>PRESENT SITUATION</u>
(c) <u>Tientsin-Pukow Railway</u>		
Requests that requisite amount from revenue be applied to service of loans and that foreign personnel be employed to carry out duties.	August 15th, 1938.	The Japanese reply of September 15th, 1938, stated that the railway had been much damaged and was being repaired by the Japanese who cannot accept the responsibility for payment of all the obligations.

On 15th May, 1939, His Majesty's Embassy explained that His Majesty's Government cannot accept this contention and requested an assurance that the suspension of

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of the British First  
Engineer was purely  
temporary.

No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## A - GENERAL

2. SHIPPING	FIRST DETENTION	PRESENT SITUATION
(a) <u>Detention of S.S. "Sagres", "Lalita" and "Dholera".</u>		
British S. S. "Sagres" was seized by a Japanese destroyer in Chayuan Bay on the 8th April, 1939,	April 22nd, 1939.	In spite of an offer by the owner of the "Lalita" and "Dholera" to agree to waive their claim for compensation upon the vessels' release, under certain conditions, and by the owners of the "Sagres" to reduce their claim to £10,000 on the vessel's release, all three are still detained.
British s.s. "Lalita" was seized on 27th April near Foochow by a Japanese warship.	June 30th, 1939.	After a total of 15 communications from His Majesty's Ambassador on the
British s.s. "Dholera" also seized and detained by Japanese Navy.		<u>subject,</u>

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subject, the Ministry of Foreign Affairs replied on 31st July, 1940, that they would consider the release of the vessels if His Majesty's Government would guarantee not to requisition them without the Japanese Government's consent in the event of their being chartered by Japanese interests.

## SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## A - GENERAL

2. SHIPPING.	First incarcerations	PRESENT SITUATION
(b) Detention of S.S. "Sparta". *		
Greek S.S. "Sparta" insured by British interests, detained at Keelung. His Majesty's Embassy support Danish Legations's request for release.	March 14th, 1938.	Japanese authorities refuse to recognize the validity of transfer from Chinese to Greek registry. Periodic enquiry in support of the Danish and subsequently, of the Greek Ministers' representations, has led to no result.  On 11th March, 1940, His Majesty's Ambassador states that British underwriters had now paid £10,000 on the vessel and that His Majesty's

Government

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Government viewed  
her detention with  
growing concern.

On 13th, April, 1940,  
the Ministry of Foreign  
Affairs were informed  
that the transfer of  
the Sparta to Greek  
nationality was  
correctly carried out  
under Greek law.

Japanese reply of  
29th May, 1940,  
stated that vessel  
would not be released  
until suspicion of  
malicious transfer  
had been cleared up.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAB - SHANGHAI

<u>SUBJECT</u>	<u>FIRST REPRESENTATION</u>	<u>PRESENT SITUATION</u>
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1. Tinkler Case.

On 6th June, 1939, in June  
the course of a dis- 17th,  
order at the China 1939.  
Printing and Finishing  
Company's Mill at  
Pootung, a British  
subject named Tinkler  
was fatally wounded

Reminder sent on May 6th,  
1940, urging the disposal  
of this long outstanding  
case in the interests of  
Anglo-Japanese relations.

No reply.

Protests strongly  
against the negligent  
and obstructive atti-  
tude of Japanese  
authorities in the matter  
and reserves right to  
claim compensation.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAB - SHANGHAI.

<u>SUBJECT</u>	<u>FIRST REPRESENTATION.</u>	<u>PRESENT SITUATION</u>
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2. Cotton Mills.

(a) Pioneer Knitting Mill (Mien-Tien Thread Company). *	September	No satisfactory explanation given regarding the violent seizure of the mill and no action yet taken to restore it to the British Company.
Protests against forcible occupation of the mill by Mr. Yokoyama, acting on behalf of (Japanese) Naigai Hosiery Mill, and against continued obstruction placed by Japanese authorities in the way of operation by the British company, who have an undisputed right to operate it.	20th, 1938.	Further reminders were sent on February 6th, 1939 and March 18th, 1940.
		No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

R - SHANGHAI.

<u>SUBJECT</u>	<u>FIRST APPEAL ACTION</u>	<u>PRESENT SITUATION</u>
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2. Cotton Mills(b) Sung Sing No. 7 January No reply.Mills \* 4th,

Requests cessation 1940.

of the removal of  
 cotton from the mill by  
 the Japanese-owned Kung  
 Dah Mill and of other  
 interference, and urges  
 the provision of  
 facilities for a receiver  
 to take over the Mill on  
 behalf of the Hongkong and  
 Shanghai Banking Corporation.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## S - NORTH CHINA

<u>SUBJECT</u>	<u>FIRST REPRESENTATION.</u>	<u>PRESENT SITUATION</u>
1. EXCHANGE AND IMPORT CONTROL.	March Existing difficulties 10th, in the way of British 1939. traders in North China will be increased by Japanese measures for control of trade and foreign exchange. Such proceedings conflict with Treaty rights and Japanese assurances. His Majesty's Government reserve the right to take any action.	Japanese reply of April 13th states that object of the measures was to secure that Federal Reserve Bank notes should fulfil functions of a trade currency. No general control of trade and exchange and no discrimination were contemplated. His Majesty's Ambassador replied on June 8th, 1939, that he still considered the restrictions constituted serious and unfounded discrimination against Great Britain. On 12th August, 1940,

His

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SUBJECTPAST  
REPRESENTATIONPRESENT SITUATION

His Majesty's Ambassador drew attention to the import control regulations recently introduced by Japanese authorities, trusting there would be no discrimination against British interests and requesting an assurance that permits would be granted for the import of goods already contracted for. Japanese reply of October 22nd stated that the North China Authorities had dealt with these matters in a satisfactory manner and that situation referred to had not in fact arisen.

## SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## C - NORTH CHINA.

<u>SUBJECT</u>	<u>FIRST REPRESENT- TATION</u>	<u>PRESENT SITUATION</u>
2. <u>TSIAOTSO</u> . Peking Syndicate's Mines.		
The mines, in which there are important British interests, have been confiscated by the Chinese de facto authorities on the instigation of the Japanese authori- ties. Protests strongly and requests immediate restoration.	August 14th 1939.	On 10th November 1939, Sir Robert Craigie re- quested protection of Syndicate's property and machinery pending restora- tion of the mines, and gave evidence of Japanese official instigation.  Such action is in flagrant violation of repeated assu- rances given by the Japa- nese Government and greatly increases difficulty of restoring better relations.  Japanese reply of 10th January, 1940, stated that most of machinery had been

carried

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carried off before Japanese occupation. Representative of British interests concerned recognised right of local Chinese authorities to operate mines on regular basis.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAC - NORTHERN CHINA

<u>SUBJECT</u>	<u>FIRST REPRESENT- ATION</u>	<u>PRESENT SITUATION</u>
3. <u>TSINGTAO. Discrimination against British Shipping and Trade.</u>		

In spite of Japanese assurances that Three Power shipping will be given certain facilities in the port of Tsingtao, British ships have continued to be subjected to discrimination and delays. Requests speedy relaxation of the restrictions.

May 19th, 1939.

After further communications, the Ministry of Foreign Affairs replied on January 20th, 1940, that steps had recently been taken by the local military authorities to provide further facilities did not, however, in practice become available and, after a reminder on April 15th, His Majesty's Ambassador made further representations

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tations on the 6th May regarding the wharf situation and renewed instances of discrimination against British shipping. Still further examples of such discrimination were made the subject of representations on the 13th June.

No reply was received.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAC - NORTH CHINA

<u>SUBJECT</u>	<u>FIRST REPRISAL- TATION.</u>	<u>PRESENT SITUATION</u>
4. <u>WUTINGFU. Burning of English Methodist Mis- sion at Chinchia.</u>	English Methodist Mission January was burnt by Japanese 9th, troops on December 25th 1940. in retaliation for alleged medical treat- ment of Chinese guerrilla. Protests energetically, requests immediate investigation and reserves right to claim.	Japanese reply of February 12th states that Mission was found to be centre of anti- Japanese activities. Hospital was therefore burnt in self-protection. His Majesty's Ambassador replied on April 18th that His Majesty's Government consider action of Japanese troops totally un- justified and contrary to international law, and trust vigorous measures will be taken to prevent a recurrence of the incident.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE ISSUES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST APPEAL- ATION</u>	<u>PRESENT SITUATION</u>
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1. BOMBING INCIDENTS(a) Chungking

In a raid by Japanese aircraft on 4th May, 1939, a bomb killed 2 and wounded 11 in the native staff quarters of His Majesty's Consulate, while considerable damage was done to property of His Majesty's Government. Protests vigorously and requests issue of instructions to stop indiscriminate bombing.

May 12th, 1939. In spite of these representations renewed damage was done to British property by repeated indiscriminate bombings of Chungking. On the 24th June, 1940, further serious damage was done to His Majesty's Consulate-General, the Consul-General's house being destroyed and 2 other houses struck. On August 5th, 1940, His Majesty's Ambassador stated that he must

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reserve all rights on  
behalf of His Majesty's  
Government in the United  
Kingdom in regard to  
these attacks, that  
the Japanese Government  
must be held fully  
responsible for any  
injury to British  
life and property and  
that a claim for compen-  
sation would be entered  
in due course.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## P. L. CENTRAL CHINA

SUBJECT

1. BOMBING  
ICHANZ  
ASIA

PRESENT SITUATION1. BOMBING INCIDENTS Continued(b) Ichanz

On 6th August, 1939, the August No reply.

Asiatic Petroleum Com- 11th,  
pany's installation and 1939.

2 steamers belonging to  
Jardine, Matheson and Com-  
pany were damaged and 1  
British officer and 2  
Chinese sailors on board  
the latter were wounded in  
a raid by Japanese aircraft.

Reminds Japanese Government  
of their assurances regarding  
foreign rights and interests  
and hopes that stricter orders  
will be issued in future.

Reserves right to claim  
compensation.

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SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION</u>	<u>PRESENT SITUATION</u>
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1. BOMBING INCIDENTS Continued(c) Pakhoi.

China Mission School September

No reply.

Hospital at Pakhoi was 20th  
bombed on August 29th 1939.1939, although particu-  
lars of the hospital had  
been communicated to the  
Japanese Consul-General  
at Canton by His Majesty's  
Consul-General in 1938.Requests investigation  
and steps to prevent  
repetition.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION</u>	<u>PRESENT SITUATION</u>
<b>1. BOOMBING INCIDENTS</b> Continued		
(d) <u>Pinkiang</u>	March	In spite of reminder
In bombing of	29th	sent on 10th May, no
English Methodist	1939.	reply was received.
Mission on March 15th,		
the Reverend A. G.		
Leigh was killed.		
Protests, asks		
measures to ensure		
nonrepetition and		
expression of regret		
and reserves right		
to claim compensation.		

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST REPRESENTATION.</u>	<u>PRESENT SITUATION</u>
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1. BOMBING INCIDENTS Continued(c) Sian.

Jenkins Robertson Memorial Hospital of the English Baptist Mission, though clearly marked, was bombed by Japanese aircraft on March 8th, 1939, in spite of previous representations made in regard to this hospital in Shanghai. The operating theatre was destroyed and other damage done. Requests enquiry, assurances against recurrence and expression of regret. Reserves right to claim compensation.

March 13th 1939. In spite of reminder sent on May 10th, no reply was received.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST ACQUISITION</u>	<u>PRESENT SITUATION</u>
2. <u>CENTRAL CHINA BANK</u>  Reports are current that a new bank of issue may be set up by the Nanking authorities. Such a step would have the most unfortunate effect on trade of Third Powers and on Anglo-Japanese relations and would be incompatible with Japanese assurances. Requests information.	May 27th 1940.	On October 23rd His Majesty's Ambassador drew attention to a statement made by the Minister of Finance of the Nanking Government indicating that a Central bank of issue would start operations in November. Sir Robert Craigie asked that steps be taken to prevent this bank from being established.  No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJ. CT</u>	<u>FIRST NOTICE T.1101</u>	<u>PRESENT SITUATION</u>
3. <u>KIUKIANG. Refusal to allow British Subjects to re-occupy their properties.</u>	Representatives of Butterfield and Swire, Jardine, Matheson and Company, Asiatic Petroleum Company and British-American Tobacco Company have been refused permission to return to Kiukiang although the Standard-Vacuum Oil Company's representatives had been allowed to do so. Assures that Japanese Government do not propose to countenance discrimination of this description and urges that permission should be given to these firms to return to Kiukiang as soon as possible.	May 24th, 1940 Japanese reply of 25th June stated that return of Butterfield and Swire and Asiatic Petroleum Company was impossible owing to military necessity, that permission was being reserved in case of Jardine, Matheson and Company owing to actions by the firm in the interests of the enemy, but that permission to return on certain conditions had already been granted to the British American Tobacco Company. There was no intention of deliberate discrimination against British firms.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST APPEAL</u>	<u>PRESENT SITUATION</u>
4. <u>YANGTSE DELTA. Restrictions on British Trade.</u>		
Draws attention to following Japanese activities in Yangtsze Delta:-	June 6th, 1939.	After reminder dated June 21st pressing for issue of appropriate instructions to local authorities, Japanese Government replied on 20th September that the Chinese Customs authorities and the Japanese military authorities were acting within their competence in view of military necessity.
(a) Attempts to establish a system of trade permits		
(b) Direct interference with British shipping, and		
(c) Discrimination against British shipping by means of the intimidation of Chinese. His Majesty's Government cannot admit the right of Japanese authorities to restrict legitimate British trade.		
Moreover, the Nanking authorities recently informed the Shanghai Commission of Customs that vessels wishing to clear for certain ports must obtain certificates from the competent authorities additional to <u>land</u>		

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD -CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION.</u>	<u>PRESENT SITUATION</u>
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4. YANGTSZE DELTA. Continued

Inland Water Certifi-  
cates. This would be  
unwarrantable inter-  
ference with the Cus-  
toms Administration  
and with legitimate  
foreign trade. Re-  
quests immediate  
issue of suitable  
instructions.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION</u>	<u>PRESENT SITUATION</u>
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5. YANGTSE NAVIGATION.

Discrimination against  
British Shipping. \*

- (a) Shipments of ordinary goods by Japanese ships are now freely possible. April 10th 1939.
- (b) 80% of the goods so carried cannot be described as cargo for military requirements.
- (c) At certain places all imports except Japanese goods are taxed.

On 1st July, 1939, His Majesty's Ambassador pointed out that German and Italian shipping was being favoured to the detriment of British shipping and that the general situation had deteriorated since April 10th.

No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAD - CENTRAL CHINA

<u>SUBJECT</u>	<u>FIRST REPRESENTATION.</u>	<u>PRESENT SITUATION</u>
6. <u>YANGTSE VALLEY EGG TRADE.</u>		
MitsuiBussan Keisha have established a virtual monopoly of the egg trade in the Yangtze Valley. Hopes that appropriate steps will be taken at an early date to ensure removal of these hindrances to legitimate British trade.	November 16th, 1939.	Japanese reply of 4th December stated that an early local settlement was expected. After His Majesty's Ambassador had drawn attention to further difficulties on 20th January, 1940, the Ministry of Foreign Affairs again stated that they expected a local settlement. On October 14th, 1940, His Majesty's Ambassador drew attention to further

measures

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measures which the Japanese military authorities propose to enforce in connection with the egg trade and also as regards silk and other principal exports of the Yangtsze Valley. Prompt steps were requested to bring to an end this continued interference with British interests.

No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - SOUTH CHINA

<u>SUBJECT</u>	<u>FIRST REPRESENT- ATION.</u>	<u>PRESENT SITUATION</u>
1. <u>CANTON. Trading in Hides and Hemp.</u>  Proclamation published in Canton on 18th October, 4th, whereby trading in hides and hemp was apparently forbidden by the Japanese military authorities and a monopoly in these commodities granted to certain Japanese firms.  Requests steps to pre- vent execution of this project.	December 1939.	Japanese reply of 24th February, 1940, states that measures taken are unavoidable steps in order that army may be self-supporting.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - SOUTH CHINA

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION.</u>	<u>PRESENT SITUATION</u>
2. <u>SHARP PEAK. Proposed steamship Service.</u> Proposal for Foreign passengers, mails, food and medical supplies for foreigners at Foochow to be brought by British steamer to neighbourhood of Sharp Peak once or twice a month. Trust Japanese Government will agree on humanitarian grounds.	August 23rd, 1940.	No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - SOUTH CHINA

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION</u>	<u>PRESENT SITUATION</u>
3. <u>SWATOW.</u>		
(a) <u>Harbour Restric-</u> tions.  Port of Swatow has been closed to Third Power shipping except for one vessel a week since shortly after its occupation by Japanese forces. Considerable quantities of goods are now being landed there from Japanese vessels, so argument that closure is due to military necessity no longer applies.  Requests reopening of port.	December 11th 1939.	Japanese reply of January 17th 1940, states that restrictions must be continued for reasons of strategic necessity but that harbour will be reopened as soon as an improvement is seen.  On March 16th His Majesty's Ambassador gave statistics of trading activities by Japanese vessels at Swatow as evidence that closure of port could no longer be justified on grounds of military necessity and requested early steps for its reopening.

No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - SOUTH CHINA

<u>SUBJECT</u>	<u>FIRST REFLESEN- TATION.</u>	<u>PRESENT SITUATION</u>
3. <u>SWATOW</u> Continued. (b) <u>Taxation of Imports and Exports.</u>  "Swatow Rehabilitation Commission" has established tax bureau which is levying taxes on imports and exports as well as "voluntary contributions" on shipments of embroideries. Requests cessation of this further infringement of the rights of the Chinese Maritime Customs.	February 10th, 1940.	Japanese reply of 23rd February states that an investigation is being undertaken.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - SOUTH CHINA

<u>SUBJECT</u>	<u>FIRST REPRESENTATION</u>	<u>PRESENT SITUATION</u>
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4. HONG KONG. Infringement  
of Territorial Waters  
and Attacks on Junks.\*

Attacks by Japanese naval forces on junks registered in Hong Kong or engaged in fishing for the Hong Kong market have been made by Japanese naval forces at frequent intervals from September 1937. These incidents have often involved violation of Hong Kong territorial waters.

Repeated representations by His Majesty's Ambassador have not been successful in securing a cessation of these attacks, which are still continuing.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## F - CLAIM

<u>SUBJECT</u>	<u>FIRST APPEAL- TITION</u>	<u>PRESENT SITUATION</u>
1. <u>Claims in respect of the Yangtsze incidents of December 5th, 11th and 12th, 1937.</u>  (Presented with reference to notes from the Japanese Government promising com- pensation in respect of these incidents).  Value: £110,480.10. 6.	April 4th,  1938.	On September 1st, 1938, an official statement of these claims, not subject to alteration, was presented. A verbal reminder was furnished on October 10th and a written reminder on November 10th, pointing out that the Japanese Government had been in possession of the appropriate information for over six months. Japanese Government's reply November 22nd stated that the authorities were working hard on the claims but that investigations were not <u>completed.</u>

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completed. On January 3rd, 1939, the Japanese Government were reminded that assurances had been given that compensation would be paid. It was pointed out that there could therefore be no difficulty in principle. Prompt settlement or information as to what difficulty had caused delay of nine months was requested. Discussion on points of detail between officials of the Ministry of Foreign Affairs and member of the Staff of His Majesty's Embassy took place on February 23rd, March 24th, and April 25th, 1939, and on February 14th, March 16th, and October 25th, 1940, and there has been some correspondence in the course of which the Ministry have been supplied with the detailed information requested. But although the Japanese representatives have latterly referred to the existence of concrete proposals for the settlement of these claims, no offer has yet been made.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAF - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPRESENTATION.</u>	<u>PRESENT SITUATION</u>
2. <u>S.S. ASLAN</u> *	Claim in respect of damage caused by the wrongful detention of the ship by the Japanese navy from February 7th to 20th and theft during detention of articles on board.	May 1st, 1938. Japanese Government stated in their reply of June 3rd that there were insufficient documents on board and denied the theft of any articles during the ship's detention a receipt having been furnished by the Captain on departure from Makao.  On September 9th, His Majesty's Ambassador explained the situation with regard to the ship's documents, by the alleged irregularity of which the Minister for Foreign Affairs had endeavoured to justify the ship's detention and pointed out that <u>detention</u>

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detention could have been avoided by wireless consultation of the port authorities. The receipt which the Captain had given was only for private and ship's papers. The Japanese reply of October 4th, claimed that the Japanese could not bear the entire responsibility and that, as the Captain in his receipt had stated everything was in order, there was no room for further discussion on the subject of the alleged thefts.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPLICA- TION</u>	<u>PRESENT SITUATION</u>
3. Cases involving infringement of Hong Kong territorial waters and attack on junks. *		
(a) September 22nd, 1937, Fishing junks sunk by Japanese submarine.	January 5th, 1938	His Majesty's Ambassador's Note of August 15th, 1938, stated that Japanese explanation could not be accepted and presented a claim for Hong Kong \$30,469.00. The Japanese reply of September 19th refused to consider the question of responsibility, but offered an <u>ex gratia</u> payment to those fishermen who are British subject and can prove they took no part in aggression against a Japanese warship.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPLI- ESEN- TATION.</u>	<u>PRESENT SITUATION</u>
3. (b) February 11th, 1938. Attack on and seizure of 4 junks by Japanese armed motor trawler.	February 26th, 1938.	Japanese Government's reply of March 8th, stated that the incidents did not take place within British territorial waters. His Majesty's Note of April 27th, showed that the junks in question were different from those referred to in the Japanese Government's reply. A further Note from His Majesty's Ambassador of the same date submitted a claim for Hong Kong \$12,000.00
		No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAF - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPRESENTATION</u>	<u>PRESENT SITUATION</u>
3. (c) May 3rd, 1938. Piracy and murder committed by Japa- nese sailors on a junk from Hong Kong.	Juno 17th, 1938.	His Majesty's Ambassador addressed a second Note to the Minister for Foreign Affairs on July 8th, confirming the details of his previous Note and on October 31st, a claim for Hong Kong \$11,872.50 was submitted. The Japa- nese Government's reply of December 6th, stated that there had been cases in which Japanese warships had dealt with hostile junks, but that there were no facts corresponding to the statements in His Majesty's Ambassador's Note of July 8th.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## E - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPRESENTATION</u>	<u>PRESENT SITUATION</u>
4. <u>Damage to His Majesty's Consulate at Pagoda Anchorage, Foochow, during an air raid on July 1st.</u>	July 9th 1938.	A claim for £215. 7. A was presented by His Majesty's Ambassador on May 3rd, 1939. No reply.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINA

## E - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPRESEN- TATION</u>	<u>PRESENT SITUATION</u>
5. <u>Damage to His Majesty's Consulates and British property at Chefoo and Tsingtao in the course of anti-British demon- strations on August 11th and July 10th respectively</u>	December 18th, 1939.	A claim for Chinese National \$1,554.01 and United States \$20.75 was submitted by His Majesty's Embassy on December 18th. On January 23rd, 1940, the Japanese Ministry of Foreign Affairs replied that the anti-British movement in China had broken out spontan- eously, that the Chinese organs were in control that the matter should be discussed therefore between the local British and Chinese authorities and that there was no reason why

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why the Japanese Government should bear the responsibility or receive the statement of claim. In their Note of February 12th, 1940, His Majesty's Embassy pointed out that His Majesty's Government do not recognise the "local Chinese authorities", that Tsingtao and Chefoo were under the effective occupation of the Japanese Army and that the Japanese Government were therefore responsible for preventing disorder. The formula of July 22nd was intended to cover such cases. His Majesty's Embassy therefore maintained their claim.

In their Note of March 20th, His Majesty's Embassy enquired of the Ministry whether a reply might shortly be expected but none has yet been received.

SUMMARY OF OUTSTANDING ANGLO-JAPANESE CASES IN CHINAE - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPRESENTATION</u>	<u>PRESENT SITUATION</u>
6. <u>Attack on the Imperial Airways aircraft "Dardanus" on November 8th, 1939, at Waichow Island, South China.</u> His Majesty's Ambassador protested vigorously against this incident and pointed out how unwarranted such an attack on a civilian aircraft was, wherever it was flying. The identity of the aircraft must have been clear to the Japanese authorities. His Majesty's Government did not admit any right on the part of the Japanese Government to	November 23rd	His Majesty's Ambassador presented a claim for £1,706.8.3 for damage and loss on January 13th, 1940. A more detailed statement of this claim showing the extensive damage suffered by the aircraft and its un-airworthy state when returned to the British authorities, was submitted by His Majesty's Embassy on February 13th. As no reply was received a Note enquiring whether a settlement might soon be expected

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exclude British aircraft from any particular area, as His Majesty's Ambassador had informed the Japanese Government on February 27th 1939. His Majesty's Ambassador also took strong exception to the detention of the aircraft's two pilots for 5 days, reserved the right to claim compensation and requested an assurance that instructions against the repetition of such an incident had been sent to the appropriate Japanese authorities.

was sent to the Ministry on March 20th. In their reply of April 23rd, the Ministry stated that as regards repairs the Imperial Japanese authorities did not take any measures at the time as a matter of obligation, but especially kind treatment was given. They stated that there was therefore no reason for the Japanese Government to bear any responsibility for any sort of damage in this case.

## SUMMARY OF OUTSTANDING ANGLO-JAPANESE CLAIMS IN CHINA

## E - CLAIMS

<u>SUBJECT</u>	<u>FIRST REPRESENTATION</u>	<u>PRESENT SITUATION</u>
7. GENERAL CLAIMS *		
Between June 21st 1938, June and November 11th, 1940, 14 sets of claims 1938. in respect of loss suffered by British subjects as a result of the operations of the Japanese armed forces in China have been submitted. In addition, claims by Mr. H. Hayward and by Messrs. Butterfield and Squire (in respect of their Hokai Staff Quarters at Hankow) have been submitted separately.	21st	These claims amount in all to £414,654. 4. 7-1/4. Claims amount to £5,000. 2. 3 only may be regarded as withdrawn, while one claim has been reduced by £29. 17. 2, leaving a balance of £409,624. 5. 2-1/4 outstanding under this head alone.